

STATEMENT OF PURPOSE

RS19483

The proposal is intended to encourage Indian tribes in Idaho and county sheriffs to negotiate and enter into cooperative agreements that will increase and enhance enforcement of Idaho state law within the exterior boundaries of Indian reservations within the state of Idaho.

In the absence of an agreement, the legislation authorizes, but does not mandate, the Indian tribe to permit its police department to engage in the enforcement of state law, only if the Tribe meets certain requirements. Tribal officers must, in making arrests for violations of Idaho state law: be trained and certified through the Idaho POST academy; follow all state laws relating to arrest; notify the sheriff of the fact of the arrest; transport the arrested person to the place designated by the sheriff; and, assist the sheriff and county prosecuting attorney, as requested by such county officers, in booking and prosecution of the arrested person in Idaho state court. The county sheriff is not required by this legislation to cross-deputize tribal peace officers to assist in such enforcement of state law. All enforcement of state law by Tribal peace officers will be processed through Idaho state courts.

Tribal officers engaged in the enforcement of state law will be accountable to the POST Council, which Council is composed of chiefs of police, county sheriffs, a county prosecuting attorney, the Attorney General, or his designee, and other state and federal law enforcement authorities. Decertification of the officer by POST Council terminates the officer's authority to make arrests for violation of state law.

An Indian tribe assisting in enforcement of state laws, as provided in this proposal, must provide and maintain liability insurance naming the county as an insured under the policy, and must agree that neither the tribe nor the insurer will raise a defense of sovereign immunity to preclude an action for damages under state or federal law.

This proposal is intended to assist in closing the gap in law enforcement coverage which, without agreements or this legislation, makes Indian reservations safe havens for drug traffickers, sex offenders and other criminals, thereby endangering all citizens within the reservation boundaries.

FISCAL NOTE

There is no fiscal impact on state or local government.

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